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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEVONTE' REESE, on his own behalf and on
behalf of all others similarly situated,

Plaintiff,

vs.

NPSG Global, LLC, a Foreign Limited-
Liability Company; and, DOES I-X and ROE
CORPORATIONS I-X.

Defendants.

Case No. 2:19-cv-00209-JCM-NJK

**JOINT STIPULATION AND ORDER
TO EXTEND DISCOVERY PLAN AND
SCHEDULING ORDER**

(Second Request)

The parties, by and through their respective counsel of record, hereby stipulate and agree as follows:

1. On July 9, 2019, this Court entered an Order granting the Stipulated Discovery Plan and Scheduling Order submitted by the parties.

2. On January 30, 2020, this Court granted the parties' first request to continue discovery deadlines.

3. This is the second request by the parties to amend the Discovery Plan and Scheduling Order.

4. The parties stipulate and agree to extend the discovery and dispositive motion deadlines for 180 days to allow the parties to conduct necessary discovery regarding any opt-in plaintiffs. This discovery will be performed after the Court rules on the parties' pending dispute

1 regarding Plaintiff's proposed opt-in notice and form, and the parties become aware of the identity
2 and number of such opt-in plaintiffs following the notice period.

3 **I. STATEMENT OF DISCOVERY THAT HAS BEEN COMPLETED**

4 Plaintiff served the following disclosures:

- 5 a. Initial Disclosures on June 25, 2019;

6 Defendant served the following disclosures:

- 7 a. Initial Disclosures on June 14, 2019;
8 b. First Supplemental Disclosures on September 5, 2019.
9 c. Second Supplemental Disclosures on December 18, 2019.

10 Plaintiff served the following discovery requests:

- 11 a. First Set of Interrogatories and Requests for Production on July 22, 2019, to
12 which Defendant responded on September 5, 2019.

13 Defendant served the following discovery requests:

- 14 a. First Set of Interrogatories and Requests for Production on October 20, 2019,
15 to which Plaintiff responded on December 12, 2019.

16 The parties engaged in a detailed meet and confer process throughout November and
17 December of 2019 regarding written discovery responses. On January 13, 2020, Defendant
18 produced contact information for individuals covered by the FLSA collective action.
19

20 On January 9, 2020, the parties completed briefing on Defendant's Objections to Plaintiff's
21 Proposed Opt-In Notice and Forms. ECF No. 69. The parties are prepared to proceed with the
22 notice and opt-in process once the Court rules on that dispute, and the opt-in notice and forms are
23 approved.
24

25 **II. STATEMENT OF DISCOVERY THAT REMAINS TO BE COMPLETED**

26 As the Court noted, the parties previously requested and received a lengthy extension of
27 discovery in this matter on January 30, 2020. ECF No. 71, 7:20-22. While the Court and the parties
28 hoped and anticipated that the prior extension would be sufficient, additional time is required due

1 to exigent circumstances caused by COVID-19 and the fact that the parties' dispute regarding
 2 Plaintiff's proposed opt-in notice and forms has not yet been ruled on.

3 The parties have attempted to conduct all discovery that can reasonably be performed prior
 4 to the notice and opt-in period. However, significant discovery tasks remain. Plaintiff intends to
 5 take the depositions of Defendant's management employees and corporate representatives.
 6 Defendant anticipates, at a minimum, collecting written and oral discovery from individuals, if any,
 7 who opt in to the conditionally certified collective. The parties will also identify any necessary
 8 experts and perform corresponding discovery based on the identity and number of opt-in plaintiffs.
 9

10 The parties have been unable to complete discovery in the time allotted because the parties'
 11 dispute regarding Plaintiff's proposed opt-in notice and forms has not yet been ruled on. Essentially
 12 all of the remaining discovery is necessarily or most efficiently performed after the Court authorizes
 13 notice and establishes an opt-in period, and the parties become aware of individuals, if any, who
 14 opt in to the conditionally certified collective. (Even if an opt-in notice and form had been ruled
 15 on in the interim, the parties anticipate significant delay would nonetheless have occurred due to
 16 the ongoing COVID-19 crisis.)
 17

18 For the above stated reasons, the parties request that the discovery deadline be extended one
 19 hundred eighty (180) days from September 29, 2020 to **March 29, 2021**.
 20

21 **PROPOSED SCHEDULE**

22 The parties stipulate and agree that all pending discovery and case deadlines be extended
 23 one hundred eighty (180) days in accordance with the following proposed schedule:

- | | | |
|----|-----------------------------------------------|-------------------------|
| 24 | 1. <u>Expert Disclosures:</u> | January 25, 2021 |
| 25 | 2. <u>Interim Status Report:</u> | January 25, 2021 |
| 26 | 3. <u>Rebuttal Expert Disclosures:</u> | March 1, 2021 |
| 27 | 4. <u>Close of Discovery:</u> | March 29, 2021 |
| 28 | | |

1 5. Motion to Decertify Conditionally-Certified FLSA Collective: May 10, 2021

2 6. Motion for Rule 23 Class Certification: May 10, 2021

3 7. Dispositive Motions: May 10, 2021

4 8. Joint Pre-Trial Order: June 9, 2021.

5 In the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be
6 suspended until thirty (30) days after decision on the dispositive motions or by further order of the
7 Court.

8 This stipulation and order is sought in good faith and not for the purpose of delay.

9 Dated this 21st day of July, 2020.

10 HKM EMPLOYMENT ATTORNEYS LLP

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11 /s/ Jenny I. Foley

/s/ Daniel I. Aquino

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27 **IT IS SO ORDERED**

28 Dated: July 22, 2020



U.S. ~~DISTRICT~~ MAGISTRATE JUDGE